

U.S. District Court
Western District of Missouri (Jefferson City)
CIVIL DOCKET FOR CASE #: 2:13-cv-04228-NKL
Internal Use Only

Nevius v. Internal Revenue Service et al
Assigned to: District Judge Nanette K. Laughrey
Demand: \$74,000
Case in other court: Eighth Circuit, 14-01483
Cause: 42:1983 Civil Rights Act

Date Filed: 11/06/2013
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff**Bryon B Nevius**

represented by **Bryon B Nevius**
21355 Highway 179
Jamestown, MO 65046
660-849-2133
Email:
PRO SE

V.

Defendant**Internal Revenue Service**

represented by **Jessica S. Reimelt**
United States Department of Justice-DC
Tax Division
Ben Franklin Station
P. O. Box 7238
Washington, DC 20044
(202) 307-2176
Fax: (202) 514-6770
Email: jessica.s.reimelt@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Active

Defendant**Julie Tomlinson**

represented by **Jessica S. Reimelt**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Active

Defendant**John and Jane Doe***Employees of Internal Revenue Service*

represented by **Jessica S. Reimelt**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
11/06/2013	<u>1</u>		COMPLAINT against Internal Revenue Service, Julie Tomlinson by Bryon B Nevius. Filing fee \$400, receipt number *KCMO035305*. Service due by 3/9/2014. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Civil Cover Sheet)(Russel, Jeri) Modified on 11/7/2013 to correct filing fee receipt information (Chorny, Traci). Modified on 11/13/2013 Court copy of exhibits 2 and 3 delivered to Clerk (James, Carrie). (Entered: 11/06/2013)
11/07/2013			RECEIPT number KCMO035305 in the amount of \$400.00 issued to Bryon Nevius. (Chorny, Traci) (Entered: 11/07/2013)
11/13/2013	<u>2</u>		RETURN OF SERVICE of complaint executed by Bryon B Nevius. Julie Tomlinson served on 11/8/2013. (James, Carrie) (Entered: 11/13/2013)
11/20/2013	<u>3</u>		NEW NOTICE OF INCLUSION FOR MEDIATION AND ASSESSMENT PROGRAM (MAP). REVIEW NEW NOTICE AND NEW MAP GENERAL ORDER CAREFULLY FOR IMPORTANT CHANGES, DEADLINES AND REQUIREMENTS. Notice of MAP assignment to United States Magistrate Judge Matt J. Whitworth. (Attachments: # <u>1</u> MAP General Order)(Russel, Jeri) Modified on 11/20/2013 – Documents mailed to plaintiff at address on file (Russel, Jeri). (Entered: 11/20/2013)
12/03/2013	<u>4</u>		ORDER ON PRETRIAL PROCEDURES entered by Judge Nanette Laughrey. Service must be obtained on all defendants within forty (40) days of the date of this Order unless otherwise authorized by the Court. (Order mailed to plaintiff.) (Matthes, Renea) (Entered: 12/03/2013)
12/11/2013			SUMMONS ISSUED as to Internal Revenue Service as John and Jane Doe, Julie Tomlinson. (James, Carrie) (Entered: 12/11/2013)
01/08/2014	<u>5</u>		RETURN OF SERVICE of complaint executed by Bryon B Nevius. John and Jane Doe served on 12/27/2013 by serving Julie Tomlinson, service designee of IRS, answer due 1/17/2014. (James, Carrie) (Entered: 01/08/2014)
01/08/2014	<u>6</u>		RETURN OF SERVICE of complaint executed by Bryon B Nevius. Julie Tomlinson served on 12/27/2013, answer due 1/17/2014. (James, Carrie) (Entered: 01/08/2014)
01/17/2014	<u>7</u>		MOTION for extension of time to file answer re <u>1</u> Complaint, filed by Jessica S. Reimelt on behalf of All Defendants. Suggestions in opposition/response due by 2/3/2014 unless otherwise directed by the court. (Related document(s) <u>1</u>) (Attorney Jessica S. Reimelt added to party John and Jane Doe(pty:dft), Attorney Jessica S. Reimelt added to party Internal Revenue Service(pty:dft), Attorney Jessica S. Reimelt added to party Julie Tomlinson(pty:dft))(Reimelt, Jessica) (Entered: 01/17/2014)
01/17/2014	8	5	ORDER entered by Judge Nanette Laughrey granting Defendants' motion for extension of time to file a responsive pleading <u>7</u> . Defendants' responsive

			pleading is due by February 26, 2014. This is a TEXT ONLY ENTRY. No document is attached. (Weber, Alex) (Entered: 01/17/2014)
01/22/2014	<u>9</u>		NOTICE of filing Objections by Bryon B Nevius re <u>7</u> MOTION for extension of time to file answer re <u>1</u> Complaint, (Bax, Laura) (Entered: 01/22/2014)
02/03/2014	<u>10</u>		MOTION for reconsideration filed by Bryon B Nevius. Suggestions in opposition/response due by 2/21/2014 unless otherwise directed by the court. (James, Carrie) (Entered: 02/03/2014)
02/05/2014	<u>11</u>		AMENDED MOTION for hearing, MOTION for reconsideration filed by Bryon B Nevius. Suggestions in opposition/response due by 2/24/2014 unless otherwise directed by the court. (Attachments: # <u>1</u> Exhibit 5, # <u>2</u> Exhibit 6)(Russel, Jeri) (Entered: 02/05/2014)
02/05/2014	<u>12</u>		MOTION for sanctions filed by Bryon B Nevius. Suggestions in opposition/response due by 2/24/2014 unless otherwise directed by the court. (Russel, Jeri) (Entered: 02/05/2014)
02/11/2014	<u>13</u>	6	ORDER entered by Judge Nanette Laughrey. Plaintiff's motions for reconsideration of the Court's Order granting Defendants an extension of time to file a responsive pleading, <u>10</u> , and for a hearing on the same, <u>11</u> , are DENIED. (Order mailed to Bryon B Nevius, 21355 Highway 179, Jamestown, MO 65046) (Weber, Alex) (Entered: 02/11/2014)
02/13/2014	<u>14</u>	8	Order. Proposed scheduling order due by 3/7/2014. Rule 26 conference due by 2/28/2014. Signed on 2/13/14 by District Judge Nanette K. Laughrey. (Order mailed to Bryon Nevius.) (Matthes, Renea) (Entered: 02/13/2014)
02/14/2014	<u>15</u>		PROPOSED SCHEDULING ORDER by Bryon B Nevius. (Russel, Jeri) (Entered: 02/14/2014)
02/14/2014	<u>16</u>		MOTION for default judgment as to Julie Tomlinson filed by Bryon B Nevius. Suggestions in opposition/response due by 3/3/2014 unless otherwise directed by the court. (James, Carrie) (Entered: 02/14/2014)
02/14/2014	<u>17</u>		MOTION for default judgment as to Internal Revenue Service filed by Bryon B Nevius. Suggestions in opposition/response due by 3/3/2014 unless otherwise directed by the court. (James, Carrie) (Entered: 02/14/2014)
02/14/2014	<u>18</u>	10	NOTICE OF APPEAL – interlocutory as to <u>14</u> Rule 16 Notice, 8 Order on Motion for Extension of Time to Answer, <u>10</u> and <u>11</u> by Bryon B Nevius. Filing fee \$ 505, receipt number 282184. (Russel, Jeri) (Entered: 02/14/2014)
02/14/2014	<u>19</u>		MOTION for default judgment as to John and Jane Does filed by Bryon B Nevius. Suggestions in opposition/response due by 3/3/2014 unless otherwise directed by the court. (James, Carrie) (Entered: 02/14/2014)
02/19/2014	<u>20</u>		RESPONSE to order re <u>13</u> Order on Motion for Reconsideration, Order on Motion for Hearing on behalf of Plaintiff Bryon B Nevius. (Related document(s) <u>13</u>) (Russel, Jeri) (Entered: 02/19/2014)
02/21/2014	<u>21</u>	11	TRANSMISSION of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail. Related document <u>18</u> Notice of Appeal. (Attachments: # <u>1</u> Cover Letter)(James, Carrie) (Entered: 02/21/2014)
02/24/2014	<u>22</u>		

		SUGGESTIONS in opposition re <u>12</u> MOTION for sanctions filed by Jessica S. Reimelt on behalf of Defendants John and Jane Doe, Internal Revenue Service, Julie Tomlinson. Reply suggestions due by 3/13/2014 unless otherwise directed by the court (Related document(s) <u>12</u>) (Reimelt, Jessica) (Entered: 02/24/2014)
02/24/2014	23	ORDER entered by Judge Nanette Laughrey. Pending before the Court is Plaintiff's motion for sanctions based on Defendants' alleged failure to serve their motion for extension of time to respond to Plaintiff's Complaint, <u>12</u> . Defendants have represented to the Court that they served this pleading by mailing it to Plaintiff's last known address, which is all that is required under the Federal Rules of Civil Procedure. Fed. R. Civ. P. 5(b)(2)(C). Furthermore, Plaintiff did not incur any prejudice as a result of the alleged lack of service, as the Court considered and rejected Plaintiff's motion to reconsider the Court's order extending the deadline for Defendants' responsive pleading, and this decision is now on appeal. Consequently, Plaintiff's motion for sanctions, [Doc. # 12], is DENIED. This is a TEXT ONLY ENTRY. No document is attached. (Weber, Alex) Modified on 2/24/2014 to reflect that a copy of the Order was mailed to Bryon B Nevius, 21355 Highway 179, Jamestown, MO 65046(Cross, Ashley). (Entered: 02/24/2014)
02/26/2014	<u>24</u>	MOTION to dismiss case filed by Jessica S. Reimelt on behalf of All Defendants. Suggestions in opposition/response due by 3/17/2014 unless otherwise directed by the court. (Reimelt, Jessica) (Entered: 02/26/2014)
02/26/2014	<u>25</u>	SUGGESTIONS in support re <u>24</u> MOTION to dismiss case filed by Jessica S. Reimelt on behalf of Defendant Internal Revenue Service. (Attachments: # <u>1</u> Affidavit Declaration of IRS Special Agent Julie Tomlinson, # <u>2</u> Exhibit Summons issued to PNC Bank)(Related document(s) <u>24</u>) (Reimelt, Jessica) (Entered: 02/26/2014)
02/27/2014	<u>26</u>	MOTION to continue <i>deadlines to meet and confer and file a joint proposed scheduling order</i> filed by Jessica S. Reimelt on behalf of All Defendants. Suggestions in opposition/response due by 3/17/2014 unless otherwise directed by the court. (Reimelt, Jessica) (Entered: 02/27/2014)
03/04/2014	27	ORDER entered by Judge Nanette Laughrey. Pending before the Court is Defendants' motion to continue the deadline for the parties to meet and confer and submit a joint proposed scheduling order, <u>26</u> . Having received no response from Plaintiff and in light of the quickly approaching, March 7, 2014 deadline, Defendants' motion, [Doc. # 26], is GRANTED. A new deadline for the parties to meet and confer and submit a proposed scheduling order will be set, if necessary, after the Court rules on Defendants' pending motion to dismiss. This is a TEXT ONLY ENTRY. No document is attached. (Weber, Alex) Modified on 3/4/2014 to reflect that a copy of this Order was mailed to Bryon B Nevius, 21355 Highway 179, Jamestown, MO 65046 (Weber, Alex). (Entered: 03/04/2014)
03/04/2014	<u>28</u>	USCA Case Number from Eighth Circuit is 14-1483 for <u>18</u> Notice of Appeal filed by Bryon B Nevius. Briefing schedule not entered by the Court of Appeals. (James, Carrie) (Entered: 03/04/2014)

MIME-Version:1.0
From:ecfMOW.notification@mow.uscourts.gov
To:cmeccf_atynotifications@mow.uscourts.gov
Bcc:
--Case Participants: Jessica S. Reimelt (central.taxcivil@usdoj.gov, jessica.s.reimelt@usdoj.gov)
--Non Case Participants: Alex Weber (alex_weber@mow.uscourts.gov)
--No Notice Sent:

Message-Id:4448353@mow.uscourts.gov
Subject:Activity in Case 2:13-cv-04228-NKL Nevius v. Internal Revenue Service et al Order on Motion for Extension of Time to Answer
Content-Type: text/html

U.S. District Court

Western District of Missouri

Notice of Electronic Filing

The following transaction was entered on 1/17/2014 at 4:34 PM CST and filed on 1/17/2014

Case Name: Nevius v. Internal Revenue Service et al

Case Number: 2:13-cv-04228-NKL

Filer:

Document Number: 8 (No document attached)

Docket Text:

ORDER entered by Judge Nanette Laughrey granting Defendants' motion for extension of time to file a responsive pleading [7]. Defendants' responsive pleading is due by February 26, 2014. This is a TEXT ONLY ENTRY. No document is attached. (Weber, Alex)

2:13-cv-04228-NKL Notice has been electronically mailed to:

Jessica S. Reimelt jessica.s.reimelt@usdoj.gov, central.taxcivil@usdoj.gov

2:13-cv-04228-NKL It is the filer's responsibility for noticing the following parties by other means:

Bryon B Nevius
21355 Highway 179
Jamestown, MO 65046

FEB 21 2014 p 5

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

BRYON B. NEVIUS,)
Plaintiff,)
v.) No. 2:13-CV-04228-NKL
INTERNAL REVENUE SERVICE, JULIE)
TOMLINSON, et al.,)
Defendants.)

ORDER

Plaintiff's motions for reconsideration of the Court's Order granting Defendants an extension of time to file a responsive pleading, [Doc. # 10], and for a hearing on the same, [Doc. # 11], are DENIED. The issues Plaintiff raises in support of these motions are relevant to the merits of this case, not the routine matter of setting deadlines that was addressed in the Court's decision. Defendants were granted an extension of time solely to permit them to prepare a responsive pleading. This decision was not based on any ruling that would affect the merits of this case, such as the legal status of the Internal Revenue Service. Furthermore, the Court sets all hearings; they are not set by the parties. In any event, there is no cause for a hearing, because the only issue that has been decided is whether Defendants should have additional time to respond to Plaintiff's Complaint.

Both parties are reminded that they must comply with orders of the Court, the Federal Rules of Civil Procedure, and the Local Rules of the Western District of Missouri.

Plaintiff is further ORDERED to file, within seven (7) days from the receipt of this Order, his current address where orders of the Court can be sent and a current phone number where he can be reached by the Court. If Plaintiff's address or phone number changes, he is ORDERED to notify the Court of his new address and/or phone number within seven (7) days of any change.

/s Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: February 11, 2014
Jefferson City, Missouri

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

BYRON B. NEVIUS,

Plaintiff,)
v.) Case No. 13-04228-CV-NKL
INTERNAL REVENUE SERVICE,)
et al.,)
Defendants.)

**ORDER SETTING DEADLINE FOR FILING OF PROPOSED
SCHEDULING ORDER AND FOR RULE 26(f) CONFERENCE**

A joint proposed scheduling order/discovery plan ("Proposed Plan") will be filed on or before March 7, 2014. The Proposed Plan will comply with Local Rules 16.1(d), 16.1(f), 26.1(c), 26.1(d). The Proposed Plan will also state whether the case will be tried to the Court or to a jury and the anticipated length of the trial. In accordance with Local Rule 16.1(d), Plaintiff's counsel will take the lead in preparing the Proposed Plan.

The Rule 26(f) conference will take place on or before February 28, 2014. Counsel are reminded that Rule 26(a)(1) disclosures shall be made at the Rule 26(f) conference. During the Rule 26(f) conference, the parties will discuss the nature and bases of their claims and defenses and will discuss the possibilities for a prompt settlement of the case.

Within fifteen (15) days of this Order, each non-governmental corporate party must file a statement identifying all parent companies, subsidiaries (except wholly owned subsidiaries) and affiliates that have issued shares to the public.

IT IS SO ORDERED.

s/ NANETTE K. LAUGHREY
NANETTE K. LAUGHREY
UNITED STATES DISTRICT JUDGE

Dated: February 13, 2014

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Bryon Nevius, *Sui Juris*, a man,
Plaintiff

v.

Julie Tomlinson a woman, and coworkers, et
al. as individuals; Internal Revenue Service
- A fictitious entity,
Defendants.

Appeal no. _____

USDC Case No.: 2:13-cv-04228-NKL

NOTICE OF INTERLOCUTORY APPEALS.

Judicial officer: Nanette K. Laughrey.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

Plaintiff Bryon Nevius's Notices of Interlocutory Appeals from United States District Court's Judicial
officer, Nanette Laughrey's Orders':

- 1) Motion for Reconsideration (Docket #10 & 11), dated February 11, 2014), and
- 2) Granting Department of Justice's Motion to Extend Time (Docket #8), dated January 17, 2014, and
- 3) Order Setting Deadline for Filing Scheduling Order and for Rule 26(f) Conference (February 13, 2014).

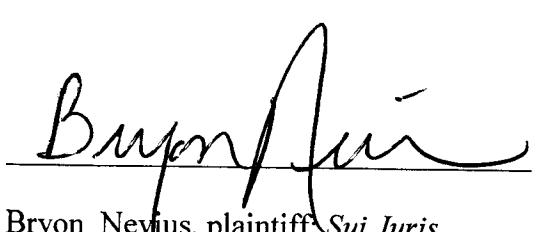
This 14th day of February A.D. 2014

Bryon Nevius, plaintiff: *Sui Juris*
21355 Hwy 179
Jamestown, Missouri [65046]
Telephone: 660-849-2133

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 14, 2014, I served the foregoing by United States first-class mail
upon the following:

Jessica S. Reimelt
Trial Attorney, Tax Division
Department of Justice
Ben Franklin Station
P.O. Box 7238
Washington, DC [20044.]


Bryon Nevius, plaintiff *Sui Juris*.

**U. S. COURT OF APPEALS - EIGHTH CIRCUIT
NOA SUPPLEMENT**

Please note any additions or deletions to the style of the case from the style listed on the docket sheet (or attach an amended docket sheet with the final style of case)

Caption: Nevius v. Internal Revenue Service, et al.,

Case No.:

13-4228-CV-C-NKL

Appellant:

Bryon Nevius

Attorney(s):

Pro Se
21355 Hwy 179
Jamestown, MO 65046
(660) 849-2133

Appellee:

Internal Revenue Service, et, al.,

Attorney(s):

Jessica Reimelt
US Dept of Justice
PO Box 7238
Washington, DC 20044
(202) 307-2176

Court Reporter(s):

none

Please return files and documents to:

U.S. District Court
80 Lafayette Street
Jefferson City, MO 65101

Person to contact about the appeal:

Length of Trial:	Fee:	IFP:	Pending IFP Mot.
n/a	\$505	no	no

Counsel:	Pending Motions	Local Interest	Simultaneous Release?
	NO	NO	NO

Criminal Cases/Prisoner Pro Se Cases only:

Is defendant incarcerated?

Where?

--

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
OFFICE OF THE CLERK

ANN THOMPSON
COURT EXECUTIVE

80 Lafayette St, U.S. COURTHOUSE
JEFFERSON CITY, MO 65101

March 20, 2013

Michael Gans
United States Court of Appeals
Thomas F. Eagleton Courthouse
Room 24.329
111 S. 10th ST
St. Louis, MO 63102

RE: USDC: 13-42228-CV-C-NKL

Dear Mr. Gans:

A Notice of Appeal has been filed in the above case and is being transmitted to your court at this time. Please be advised that this is an interlocutory appeal from a non-dispositive order. Please advise me if you need any additional information.

Sincerely,

Ann Thompson

/s/ C. James
Deputy Clerk